

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED

FEB 07 2025

CLERK, U.S. DISTRICT COURT
TEXAS EASTERN

In the Matter of:

DILIP JANA,
Plaintiff

v.

WALMART, INC.,
Defendant

Civil Action No. **4:24-cv-00698-SDJ-BD**

**PLAINTIFFS' REPLY TO DEFENDANT'S RESPONSE [Dkt 38] TO PLAINTIFF'S
MOTION TO COMPEL [Dkt 35]**

NOW COMES *Pro Se* Plaintiff, Dr. Dilip Jana files this Reply to Defendant's Response [Dkt 38] to Plaintiff's Motion to Compel[Dkt 35] Defendant as follows:

Keeping it very short and sweet. Reiterating from Motion to Compel [Dkt 35]

1. Neither Rule 26 nor the Local Rules allow a party to litigation to refuse to participate in a Rule 26(f) conference until after the Court rules on a Motion to Dismiss or Motion to Stay.

In fact LOCAL RULE CV-26 Provisions Governing Discovery; Duty of Disclosure

(a) **No Excuses.** Except in cases involving qualified immunity or a court order to the contrary, a party is not excused from responding to discovery because there are pending motions to

dismiss, to remand, or to change venue.

2. Honorable Sean Jordan's Order (EXHIBIT 1)

“A party is not excused from the requirements of a Rule or scheduling order by virtue of the fact that dispositive motions are pending, the party has not completed its investigation, the party challenges the sufficiency of the opposing party's disclosures, or because another party has failed to comply with this Order or the rules.”

3. Federal Rules of Civil Procedure 16

(a) **PURPOSES OF A PRETRIAL CONFERENCE.** In any action, the court may order the attorneys and any unrepresented parties to appear for one or more pretrial conferences for such purposes as:

- (1) expediting disposition of the action;
- (2) establishing early and continuing control so that the case will not be protracted because of lack of management;
- (3) **discouraging wasteful pretrial activities;**
- (4) improving the quality of the trial through more thorough preparation; and
- (5) facilitating settlement.

(b) SCHEDULING.

(1) *Scheduling Order.* Except in categories of actions exempted by local rule, the district judge—or a magistrate judge when authorized by local rule—**must** issue a scheduling order:

(A) after receiving the parties' report under Rule 26(f); or

(B) after consulting with the parties' attorneys and any unrepresented parties at a scheduling conference.

(2) *Time to Issue.* **The judge must issue the scheduling order as soon as practicable, but unless the judge finds good cause for delay, the judge must issue it within the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared.**

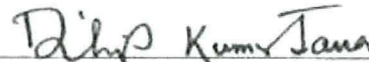
Defendant appeared in this case on August 19, 2024. This case has been in this Court docket since August 5, 2024; already **180 days** have passed but this Court has not issued any Scheduling Order due to some reasons which are prejudiced against Plaintiff. Discovery has not started and Defendant is refusing to participate in the 26f conference. This is long overdue.

REQUEST FOR RELIEF

For the foregoing reasons, Plaintiff respectfully requests that the Court Issue Scheduling Order and Instruct parties to participate in a Rule 26(f) conference.

Dated: February 7, 2025

Respectfully Submitted,



DILIP JANA, Plaintiff

Pro Se

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CERTIFICATE OF SERVICE

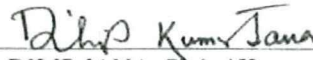
On February, 7, 2025, a true and correct copy of the foregoing was caused to be served upon to the following through the Court's CM/ECF system:

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Respectfully Submitted,



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